

Senate File 155 - Introduced

SENATE FILE 155

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1062)

A BILL FOR

1 An Act relating to commercial driver's licenses and commercial
2 learner's permits, including compliance with federal
3 regulations, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.180, subsection 2, paragraph c, Code
2 2023, is amended to read as follows:

3 c. A commercial learner's permit shall be valid for a period
4 not to exceed the period provided in 49 C.F.R. §383.25(c) and
5 49 C.F.R. ~~§383.73(a)(2)(iii)~~ §383.73(a)(3).

6 Sec. 2. Section 321.188, subsection 4, Code 2023, is amended
7 to read as follows:

8 4. a. The department shall check the applicant's driving
9 record as maintained by the applicant's current licensing
10 state, the national commercial driver's license information
11 system, ~~the national drug and alcohol clearinghouse if~~
12 ~~required under 49 C.F.R. §383.73~~, and the national driver
13 register to determine whether the applicant qualifies for
14 the issuance, renewal, or upgrade of a commercial driver's
15 license, as applicable. The department shall notify the
16 national commercial driver's license information system of the
17 issuance, renewal, or upgrade of a commercial driver's license
18 and shall post the driver's self-certification of type of
19 driving as required by rule. The department shall also post
20 information from the medical examiner's certificate required
21 under subsection 1, paragraph "d", to the national commercial
22 driver's license information system, if required by rule.

23 b. The department shall request information from the
24 national drug and alcohol clearinghouse if required under 49
25 C.F.R. §383.73 and shall not issue, renew, or upgrade the
26 commercial driver's license if the response indicates the
27 applicant is prohibited from operating a commercial motor
28 vehicle pursuant to 49 C.F.R. §382.501(a).

29 Sec. 3. Section 321.207, Code 2023, is amended to read as
30 follows:

31 **321.207 Downgrade of commercial driver's license or**
32 **commercial learner's permit.**

33 The department shall adopt rules for downgrading a
34 commercial driver's license or commercial learner's permit to
35 a noncommercial status upon a driver's failure to provide a

1 medical examiner's certificate as required pursuant to section
 2 321.188, subsection 1, paragraph "d", ~~or~~ upon a driver's failure
 3 to provide a self-certification of type of driving as required
 4 pursuant to section 321.188, subsection 1, paragraph "d", or
 5 upon receiving notification of the driver's prohibited status
 6 pursuant to 49 C.F.R. §383.73(q). The rules shall include
 7 procedures regarding notification of downgrade status to the
 8 commercial driver's license information system, termination
 9 of a downgrade process, and reinstatement of a commercial
 10 learner's permit or commercial driver's license after a
 11 downgrade, and shall substantially comply with 49 C.F.R.
 12 §383.71 and 383.73, as adopted by rule by the department.

13 Sec. 4. Section 321.208A, Code 2023, is amended to read as
 14 follows:

15 **321.208A Operation in violation of out-of-service order —**
 16 **penalties.**

17 1. A person required to hold a commercial driver's license
 18 or commercial learner's permit to operate a commercial motor
 19 vehicle shall not operate a commercial motor vehicle on the
 20 highways of this state in violation of an out-of-service order
 21 issued by a peace officer for a violation of the out-of-service
 22 rules adopted by the department. A driver who violates an
 23 out-of-service order commits a simple misdemeanor and shall be
 24 subject to a the applicable fine of not less than two thousand
 25 five hundred dollars in an amount in accordance with the civil
 26 penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(1),
 27 upon conviction for the first violation of an out-of-service
 28 order ~~and not less than five thousand dollars for a second or~~
 29 subsequent violation of an out-of-service order in separate
 30 incidents within a ten-year period.

31 2. An employer shall not knowingly allow, require, permit,
 32 or authorize an employee to drive a commercial motor vehicle in
 33 violation of an out-of-service order. An employer who violates
 34 this subsection commits a simple misdemeanor and shall be
 35 subject to a ~~fine of not less than two thousand seven hundred~~

1 ~~fifty dollars and not more than twenty-five thousand dollars in~~
2 ~~an amount in accordance with the civil penalty provided in 49~~
3 ~~C.F.R. pt. 386, Appendix B(b)(2).~~

4 Sec. 5. Section 321.343A, Code 2023, is amended to read as
5 follows:

6 **321.343A Employer violations — penalty.**

7 An employer shall not knowingly allow, require, permit, or
8 authorize a driver to operate a commercial motor vehicle in
9 violation of [section 321.341](#) or [321.343](#) or any other federal or
10 local law or regulation pertaining to railroad grade crossings.
11 An employer who violates [this section](#) shall be subject to a
12 ~~fine of not more than ten thousand dollars in an amount in~~
13 ~~accordance with the civil penalty provided in 49 C.F.R. pt.~~
14 ~~386, Appendix B(b)(3).~~

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill aligns relevant provisions of Code chapter 321
19 (motor vehicles and law of the road) with federal regulations
20 relating to the national drug and alcohol clearinghouse,
21 commercial driver's licenses (CDL), and commercial learner's
22 permits (CLP).

23 Under federal regulations, prior to issuing a CDL to a
24 person, a state must, among other things, initiate and complete
25 a check of the applicant's driving record to ensure that the
26 person is not subject to disqualification and does not have a
27 driver's license from more than one state or jurisdiction. The
28 record check provides information about an applicant's driving
29 record and relevant criminal history, if any. The record
30 check must include a check of the applicant's driving record
31 as maintained by the applicant's current state of licensure, a
32 check with the commercial driver's license information system
33 (CDLIS), and a check with the problem driver pointer system.

34 Beginning November 18, 2024, a state must request
35 information from the national drug and alcohol clearinghouse,

1 and if in response to the request the state receives
2 notification that the applicant is prohibited from operating a
3 commercial motor vehicle, the state must not issue, renew, or
4 upgrade the person's CDL or CLP. A state must, upon receiving
5 notification that a CDL or CLP holder is prohibited from
6 operating a commercial motor vehicle, initiate established
7 procedures for downgrading the CDL or CLP. The downgrade must
8 be completed and recorded on the CDLIS driver record within 60
9 days of the state's receipt of such notification.

10 A state will be required to terminate a downgrade process,
11 reinstate a CDL or CLP, make a person eligible for a CDL or
12 CLP, and expunge from the CDLIS driver record any reference
13 related to a person's erroneous prohibited status upon
14 receiving appropriate notification that the person is no longer
15 prohibited from operating a commercial motor vehicle.

16 The bill provides that certain violations will result in a
17 fine in accordance with the civil penalty provided in federal
18 regulations. An individual who violates an out-of-service
19 order commits a simple misdemeanor and is subject to a fine of
20 not less than \$3,471 for a first conviction and not less than
21 \$6,943 for a second or subsequent conviction within 10 years.
22 An employer of a CDL holder who knowingly allows, requires,
23 permits, or authorizes an employee to operate a commercial
24 motor vehicle during any period in which the CDL holder is
25 subject to an out-of-service order is subject to a fine of not
26 less than \$6,269 or more than \$34,712. An employer of a CDL
27 holder who knowingly allows, requires, permits, or authorizes
28 that CDL holder to operate a commercial motor vehicle in
29 violation of a federal, state, or local law or regulation
30 pertaining to railroad-highway grade crossings is subject to a
31 fine of not more than \$17,995.

32 The bill amends Code citations to conform to applicable
33 federal regulations.